



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

105

CRM-M-64679 of 2025(O&M)

Date of decision: 17.11.2025

Mohit**....Petitioner****Versus****State of Haryana and another****...Respondents****CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL**

Present : Dr. Pankaj Nanhera, Senior Advocate with
Mr. Pradeep Duhan, Advocate and
Mr. Sachin Jangra, Advocate
for the petitioner.
Mr. Vikas Bhardwaj, AAG, Haryana

SHALINI SINGH NAGPAL, J.

1. Petitioner seeks anticipatory bail in case vide FIR No.267 dated 08.09.2025, under Sections 140(3) of Bhartiya Nyaya Sanhita (BNS), 2023 and Sections 4, 17 of Protection of Children from Sexual Offences Act, 2012, Police Station Sadar Ballabgarh, District Faridabad. This is his first application for anticipatory bail.

2. Prosecutrix, aged 17 years 10 months alleged that her father was a Class-IV employee and she had passed 8th grade from Government Secondary School, village Prahladpur, Faridabad. Mohit son of Rame, was known to her for two months. In September, 2025, she spoke to him 3-4 times on WhatsApp. She told him not to call her as her family would find out but he kept on calling her. On 07.09.2025, at about 5 PM, when she was coming from Shiv Mandir after offering prayers, Mohit came in a grey colour car which was parked near the temple gate. He opened the car door, forcibly pulled her inside and locked it. There was another boy in the car



who she did not know. The person who owned the car was talking about buying cattle feed. They went to Janouli, bought cattle feed from a shop. Thereafter, they took her to a hotel near Ballabgarh Bus Stand. The other boy dropped Mohit and her outside the hotel and drove away. Mohit then took her to a room where he forcibly committed wrong act with her. The next day on 08.09.2025, around 2 PM, Mohit left her at Asawati. From there her uncle Bendu brought her back to village Prahlapur. Mohit left her alone and ran away.

3. Learned senior counsel for the petitioner submits that the prosecutrix had love affair with the petitioner and both wanted to marry each other. The consensual relationship was evident from the contents of the FIR itself and the fact that it was petitioner's uncle who brought her back to her parents home. Referring to police report, Annexure P-2 he submitted that prosecutrix could not even identify the place of occurrence. He thus prayed that petitioner be enlarged on anticipatory bail.

4. Notice of motion.

5. Learned State counsel strongly opposes the prayer for anticipatory bail on the ground of serious nature of allegations. He submits that there was concrete medical evidence against the petitioner and the consent of the prosecutrix was of no avail. Custodial interrogation of the petitioner was required for eliciting essential facts and for recovery of car. He further submits that in her statement under Section 183 BNSS as well, prosecutrix had reiterated her first version. Moreover, petitioner was involved in another case vide FIR No. 191, dated 31.10.2025, under Sections 318(4), 36(3), 338, 340, 61 Bhartiya Nyaya Sanhita (BNS), 2023 and



considering his antecedents he did not deserves to be enlarged on anticipatory bail.

6. In the case of **Siddharam Satlingappa Mhetre Vs. State of Maharashtra and Others 2010 SCC Online SC 137**, Hon'ble Supreme Court has laid down the guiding factors and parameters to be taken into consideration, while dealing with anticipatory bails. The relevant extract of the judgment reads as under:-

“i) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;

ii. The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;

iii. The possibility of the applicant to flee from justice;

iv. The possibility of the accused's likelihood to repeat similar or the other offences.

v. Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.

vi. Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people”.

7. In **Sumitha Pradeep Vs. Arum Kumar, 2022(4) RCR Criminal) 977, 2022 (17) SCC 391** Hon'ble Apex Court observed as under:-

“There may be many cases in which custodial interrogation of the accused may not be required, but that does not mean that prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the Court hearing an anticipatory



bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

8. Keeping in mind the above principles and considering the grave and serious nature of allegations leveled, this Court is not inclined to grant anticipatory bail to the petitioner.

10. In matters of sexual assault of children, the duty of the Court is to act as a guardian of the child. In such cases, legislative objective of Protection of Children from Sexual Offences, Act, 2012, and liberty of an individual have to be weighed and balanced as the impact of such offences on a child victim is grave, long lasting and results in severe psychological trauma.

13. Considering entire facts and circumstances of the case, the quantum of punishment conviction may entail, as also the fact that the offence is against public morality, the petition for anticipatory bail is dismissed.

14. Nothing observed hereinabove shall be construed as expression of opinion on merits of the case.

(SHALINI SINGH NAGPAL)
JUDGE

17.11.2025

nt

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No